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## **JUDGE'S PROCEDURAL RULES AND POLICIES**

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, which are to be submitted to a Workers' Compensation Judge should be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to Requests, should be submitted through WCAIS unless otherwise specified by the Judge.

## **HEARING PROCEDURES**

### **1. What is the first event and what will occur?**

The first event is a Pre-trial hearing for all cases, except for Petitions to Seek Approval of a Compromise and Release Agreement. All first hearings will be held virtually VIA Microsoft TEAMS. If a supersedeas hearing was requested, the first hearing will serve both as a Supersedeas hearing and a Pre-trial hearing. Timeliness is expected. The Claimant's testimony will NOT be heard at the Pre-trial hearing, unless the matter is an Employee Challenge that requires testimony and testimony has been requested through WCAIS and approved. Please consult the Dispute Summary Hearing Information tab on WCAIS regarding the date, time, and nature of your hearing before contacting the Judge's office. Generally, the Judge will not grant a continuance of the Pre-trial hearing.

#### **a. List any documents required at the first event:**

The Judge does not require a "written" submission, but in accordance with 34 Pa. Code 131.52, the moving party, at the first hearing, should be prepared to advise the judge and opposing parties of the following:

(1) Allegations and issues of fact and law involved in the moving party's petition; (2) Proposed amendments to pleadings; (3) Stipulations of fact; (4) Names, addresses and method of presentation of witnesses; (5) Whether the items and information specified in 34 Pa. Code § 131.61(a) (relating to exchange of information), which are intended to be used as evidence or exhibits, have been provided to the responding party at or before the first hearing; (6) Dates of depositions; (7) Estimate of hearing time; and (8) Other subjects which may aid in the disposition of the proceeding.

All exhibits should be uploaded on WCAIS through the Exhibits tab at least 24 hours in advance of the hearing, including but not limited to Bureau documents and supersedeas documents. Evidence will not be considered if it is not uploaded prior to the hearing within the aforementioned timeframe. Exhibits must be uploaded in WCAIS for both virtual and in-person hearings.

#### **b. Should documents be uploaded as Exhibits or Letters to the Judge?**

If the document is an Exhibit, then it should be uploaded through the Dispute Summary Exhibits tab on WCAIS. If the document is a letter/correspondence, then it should be uploaded as a Letter to the Judge through the Dispute Summary Documents and Correspondence tab on WCAIS, unless the correspondence involves a request, which then should be submitted as an appropriate request through the Dispute Summary Requests tab on WCAIS. All supersedeas documentation should be uploaded as a supersedeas packet in one packet/upload through the Dispute Summary Exhibits tab on WCAIS. Please note that for supersedeas documents, the supersedeas check box must be marked on upload. All documentation must be uploaded at least 24 hours in advance of the hearing. Please note that Exhibits are only admitted at a hearing. Thus, uploading an exhibit does NOT mean it has been admitted, which only occurs at a hearing. All evidence is expected to be uploaded and A PAPER COURTESY COPY TO THE JUDGE submitted at the final hearing.

## **2. Describe the format of your hearings (e.g., serial, one day – one trial).**

The serial hearings format is used. The case will be listed on about three-month intervals as established at the pre-trial hearing with the parties expected to finish and close the record by the third hearing (e.g., within 9 months), unless good cause is shown. All evidence is expected to be uploaded and A PAPER COURTESY COPY TO THE JUDGE submitted at the final hearing.

Final hearings generally involve testimony (e.g., Claimant testifying or giving update testimony). All final hearings will generally be held in person and not virtually, unless there are extenuating circumstances and the judge grants permission not to attend in person upon request made at least 10 days before the hearing. At the Final hearing, all depositions and other evidence will be introduced with a courtesy paper/hard copy of all exhibits submitted to the Judge (either in person or by mail if the Judge has granted permission for a virtual final hearing), the record will close, and a briefing schedule will be set. Any Requests to re-open the record must be made in writing through the Dispute Summary Requests tab (miscellaneous request) on WCAIS. All deposition transcripts, litigation costs, itemization of quantum meruit attorney fees, medical bills etc. must be submitted at the Final hearing. No evidence will be accepted after the Final Hearing except for an updated bill of costs, updated quantum meruit fee request, and updated child support documentation (Act 109 documents). All parties must preserve any objections made at a deposition at the time of the Final hearing in writing or the objections will be waived in accordance with 34 Pa. Code 131.66.

## **3. Are you willing to change the hearing format upon request?**

Upon good cause shown by submitting a request at least 10 days before the hearing.

## **4. What factors will you consider in deciding whether to conduct a hearing in-person?**

All first hearings are pre-trial hearings and will be held virtually unless an objection is made and request for an in-person hearing is made and good cause is shown. Hearings after the pre-trial hearing **involving Claimant's testimony** (except C&R hearings) will be live by default and will be set/scheduled at the pre-trial hearing. Until further notice during the COVID Pandemic, non-testimony hearings and C&R hearings will generally be held virtually at the discretion of the judge pursuant to 34 Pa. Code 131.54 unless a party objects. If a party objects to a virtual hearing, the party should make a request for a live hearing through WCAIS and state the reasons why a live hearing is necessary, upon which request the Judge will rule before the hearing. Factors to be considered include but are not limited to the following: any Covid recommendations/restrictions in place at the time of hearing, the substance of the request and noted reasons for the request, the timeliness of the request, objections to the request, and any potential impediments to a virtual hearing.

## **5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

This Workers' Compensation Judge uses Microsoft TEAMS video for virtual hearings for non-testimony and C&R hearings. All non-testimony hearings and C&R hearings at this time during the COVID pandemic will be held virtually within this Judge's discretion unless the parties are notified otherwise and all efforts by the parties should be made to attend by video (Microsoft TEAMS) unless the party does not have adequate internet connectivity. If a party does not have adequate internet connectivity, the party may attend the hearing by audio only upon notice to the Judge prior to the hearing. The parties **must** use the Microsoft TEAMS link provided before the hearing to access the hearing so that they can be easily identified for the record. Notice of an inability of any party to participate in a video hearing should be sent through the Dispute Summary Requests tab (miscellaneous request) on WCAIS at least 10 days in advance of any scheduled hearing with the reasons noted thereon.

## **6. What procedure do you follow if a party fails to appear at a hearing?**

There is no standard procedure. The consequences of non-attendance at a hearing when a party is provided with proper notice will depend upon the circumstances of the case and will include dismissal of the matter, if warranted in accordance with 34 Pa. Code 131.13(m).

## **7. Do you have special procedures for psychological injury cases?**

No. If you need a special accommodation for reasons related to the psychological condition of your client or a witness, a written request should be made in advance of the hearing through the Dispute Summary Requests tab (miscellaneous request) on WCAIS.

## **SUPERSEDEAS PROCEDURES**

### **1. What are your procedures for supersedeas hearings?**

The moving party should upload its supersedeas evidence as one packet through the Dispute Summary Exhibits tab on WCAIS at least 24 hours in advance of the Pre-trial hearing. Please ensure that the supersedeas box located next to the Exhibit description box is checked on upload.

#### **a. Will testimony be heard?**

No. The usual procedure is that evidence in the form of records, reports, and affidavits of the Claimant and other witnesses will be permitted in accordance with 34 Pa Code 131.42. If a party wishes to present testimony in support of or in opposition to the supersedeas request, a written request must be made at least fourteen (14) days prior to the hearing, and the request should include reasons why testimony is necessary. The request must be approved by the Judge. All Requests for testimony on supersedeas should be made through the Dispute Summary Requests tab (miscellaneous request) on WCAIS.

#### **b. Is additional time generally granted to obtain medical evidence?**

Yes. Requests for additional time to submit supersedeas documentation will automatically be granted to allow the responding party an additional fourteen (14) days to submit this evidence. Further extensions may be granted for good cause shown. The moving party should upload its supersedeas evidence as one packet through the Dispute Summary Exhibits tab on WCAIS at least 24 hours in advance of the Pre-trial hearing. Please ensure that the supersedeas box located next to the Exhibit description box is checked on upload.

#### **c. Under what circumstances will you reconsider a supersedeas order?**

Requests for reconsideration will be considered only if compelling and new evidence is presented. Requests for reconsideration should be made through the Dispute Summary Requests tab (miscellaneous request) on WCAIS.

#### **d. Do you generally use written orders for denials?**

Yes. The granting or denial of the supersedeas request is generally memorialized in a written order.

#### **e. What is required for employee's counsel to obtain interim fee approval?**

Counsel may request an order for payment of interim counsel fees upon submission of an executed counsel fee agreement. Any such request should be made through the Dispute Summary Requests tab (miscellaneous request) of WCAIS. The contingent fee agreement should be uploaded through the Dispute Summary Exhibits Tab on WCAIS.

#### **f. Describe any other procedures for supersedeas hearings:**

Supersedeas documentation should be uploaded into the Dispute Summary Exhibits tab at least 24 hours in advance of the supersedeas hearing. All documentation should be uploaded as one packet. The Exhibit name and Exhibit description should be entered as "Claimant's supersedeas documentation" or "Employer's supersedeas documentation." When entering the Exhibit information, please remember to check off the supersedeas box located next to the Exhibit description box.

**g. Describe procedures for special supersedeas hearings, if different:**

None

**WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

Claimant is expected to testify at a hearing in person in front of the Judge and NOT by deposition or by video hearing, unless there is an extraordinary reason Claimant cannot attend a hearing in person and good cause is shown upon request made 10 days before the hearing. Pursuant to the statute and Judges' Rules, 34 Pa. Code 131.54, in person hearings are the rule and are to be open to the public, and hearings can only be held by other electronic means within the Judge's discretion with no objection from the parties. Under Section 422(a) and 418 of the Act, a WCJ is mandated to explain why testimony is accepted/rejected and make a record at hearings, and this Judge does not believe hearing Claimant's testimony by video often without Claimant having adequate internet connectivity is the best and most effective means to assess Claimant's credibility and to make a clean and correct hearing transcript. On February 28, 2022, Governor Wolf eliminated the indoor mask mandate for government employees and government buildings/courtrooms are open under CDC guidelines. Hearings for testimony are open hearings and any person within the courtroom will be permitted to wear a mask, to address any medical concerns. The courtroom is set up for social distancing. Any exhibits being used should be printed out before the hearing with copies to opposing counsel and the Judge. If this is a final hearing, the parties are instructed to bring in hard (paper) copies of all evidence to be submitted and marked by the court reporter to close the record. All other witnesses, including expert and fact witnesses should be done by deposition, unless good cause is shown and the party requests in person testimony or if the Judge orders a witness to testify in person within his discretion. ALL CLAIMANT'S TESTIMONY (EXCEPT C&R HEARINGS) WILL BE DONE IN PERSON.

**2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?**

Claimant's testimony (except C&R hearings) will be taken at an in-person hearing by default and will be set/scheduled at the pre-trial hearing. Expert witnesses (medical, vocational, investigative, etc.) and fact witnesses will testify by trial deposition unless an in-person hearing is requested by the parties and good cause is shown or if the Judge orders a witness to testify in person. Other than the Claimant's testimony or a witness ordered to testify in person by the Judge, a special listing for the testimony of fact witnesses must be made by written notification through the Dispute Summary Requests tab (miscellaneous request) on WCAIS. Otherwise, the testimony must be taken by deposition. Special listings and C&R hearings will be scheduled virtually by default at this time during the COVID Pandemic. ALL CLAIMANT'S TESTIMONY (EXCEPT C&R HEARINGS) WILL BE DONE IN PERSON.

**3. Under what circumstances will you change your requirements for presentation of testimony?**

A request for consideration of an exception should be sent through the Dispute Summary Requests tab (miscellaneous request) tab on WCAIS and will be decided on a case-by-case basis.

**4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require?** The Claimant must testify in person at a hearing after the pre-trial hearing and this scheduled in-person hearing will be set/scheduled with the parties at the pre-trial hearing. Claimant's testimony will be scheduled for an in person hearing by default as noted above. Expert witnesses (medical, vocational, investigative, etc.) and fact witnesses may testify by trial deposition. A special listing for in person testimony of fact witnesses can be scheduled at the discretion of the judge if written notification is provided at least 30 days in advance of the hearing date through the Dispute Summary Requests tab (miscellaneous request) on WCAIS. Otherwise, the testimony must be taken by deposition.

**5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?**

Generally, the party who filed the first Petition or the party with the burden of proof will be the first to proceed with expert medical testimony. Questions or concerns regarding the order of presentation of testimony should be brought to the attention of the Judge at the Pre-trial hearing.

**6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?**

The parties should upload the Bureau documentation through the Dispute Summary Exhibits tab on WCAIS at least 24 hours in advance of the Pre-trial hearing.

**7. Do you require counsel to upload exhibits to WCAIS before or after the hearing?**

The parties should upload all Exhibits through the Dispute Summary Exhibits tab on WCAIS in advance of any hearing. Do not upload Exhibits through any other Dispute Summary tab. When uploading Exhibits, you must include an accurate description of the Exhibit in the Exhibit name and Exhibit description fields. The same information should be entered into both of these fields. Avoid uploading Exhibits in parts. Use the WCAIS Help instructions to reduce the file size. If you must upload an Exhibit in parts, designate the individual parts as part one, part two, etc. If you are uploading a Deposition Transcript, designate the document as a Deposition Transcript and not as an exhibit. All other exhibits can be uploaded as exhibits. All deposition exhibit uploads must be checked by counsel to ensure that all exhibits admitted during the deposition are included in the uploaded exhibit. All uploaded exhibits must be readable, and all pages oriented in the proper direction and in the proper order. All exhibits must be uploaded on all dispute numbers or consolidated matters. Do not upload exhibits on the WCAIS system after the close of the record if they were not previously entered into evidence at a hearing. The only exception are updated litigation costs, updated quantum meruit fee statements, and updated child support documentation submitted with Proposed Findings of Fact, Conclusions of Law, and Brief. You must make a formal request to re-open the record in order to submit additional evidence after the close of the record. The request should be made through the Dispute Summary Requests tab (miscellaneous request) on WCAIS. All permitted exhibits submitted with the Proposed Findings of Fact, Conclusions of Law, and Brief should also be uploaded individually through the Exhibits tab. Litigation costs should be contained in a separate writing with supporting documentation, which should be uploaded through the Exhibits tab and not just listed in the Proposed Findings of Fact.

**If before, how far in advance of the hearing must they be uploaded?**

At least 24 hours.

**8. When will you rule on objections to exhibits?**

Generally, the objections are ruled upon at the time of submission of the relevant evidence at a hearing.

**9. What is your procedure for handling discovery disputes?**

In general, discovery disputes are discouraged, and the parties should simply follow the Judges Rules for self-executing discovery of all items noted in §131.61 except items representing confidential communications made to counsel or “work product” of the representative as Pennsylvania law protects from discovery disclosure of confidential communications made by a client to his lawyer. The parties are encouraged to communicate with each other to resolve such disputes. However, when necessary, discovery disputes may be presented in writing through the Dispute Summary Requests tab (miscellaneous request) on WCAIS. The Judge will generally hold a hearing to rule on the discovery dispute or may rule on the issue without a hearing with a written order or other writing at the Judge’s discretion. Conference calls are almost never utilized and are discouraged.

#### **10. What is the last day to file written preservations of deposition objections?**

The Final hearing before the record is closed. No written preservation of deposition objections will be accepted after the close of the record.

### **COMPROMISE & RELEASES (C&Rs)**

#### **1. Describe your procedures regarding the review of C&R Agreements:**

**ALL CASES RESOLVED BY C&R ARE PERMITTED AND WILL BE SCHEDULED BY DEFAULT FOR A VIRTUAL C&R HEARING AND AN IN-PERSON HEARING IS NOT REQUIRED.**

##### **a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?**

Amendments to existing Petitions will be permitted. The filing of an additional petition is neither necessary nor desired. However, a Petition to Seek Approval of a Compromise and Release Agreement will need to be filed if a) the pending petition must remain open for decision after the resolution and there are no other open petitions under the dispute number or b) the Compromise and Release Agreement resolves claims for multiple injury dates, and there is no open Petition under a particular injury date. In order to close all injury dates, there must be an open Petition under each dispute number/injury date to amend; if not, a Petition to Seek Approval of a Compromise and Release Agreement must be filed under that dispute number.

##### **b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?**

Compromise and Release agreements should be submitted prior to the hearing in order to allow for judicial review. Both a redacted (redacted SSN, DOI, and phone numbers) and unredacted document should be uploaded to WCAIS at least 24 hours in advance of the hearing.

##### **c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**

Both a redacted and unredacted Compromise and Release Agreement should be uploaded through the Dispute Summary Exhibits tab on WCAIS before the hearing. All attachments should be uploaded with the Agreement. (contingent fee agreement, child support documentation, Medicare documentation, Authorization for Alternative delivery, etc.) Redaction of dates of birth and social security numbers is required on all uploads. On the rare occasion that a Bench Order may be issued, the Bench Order should not be uploaded as part of the Exhibit.

##### **d. Should child support documents be uploaded as a separate exhibit?**

No.

##### **e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**

Yes. The redacted Compromise and Release Agreement should be uploaded through the Dispute Summary Exhibits tab on WCAIS before the hearing.

**f. Will you sign bench orders?**

Yes.

**g. Describe any other procedures you have for C&R Agreements:**

If you are scheduled for a hearing, and the matter resolves before the scheduled hearing, you must request permission to present a Compromise and Release Agreement at the hearing (or some other hearing date) by submitting a request through the Dispute Summary Requests tab (miscellaneous request) on WCAIS. Redacted Compromise and Release Agreements should be uploaded into the WCAIS system within 24 hours of the hearing.

Please review the following checklist before the Compromise and Release hearing:

- Are you using the most current Compromise and Release Agreement form?
- Are the Claimant's name, current address, social security number, and date of birth properly designated on the form and on any attachments?
- Is the Employer/insurance carrier/third party administrator information accurate?
- Is an accurate Dispute number on the Agreement?
- Have you checked for spelling errors?
- Is every agreed upon provision written in understandable form on the agreement form?
- Does the agreement state the total amount of the settlement?
- Does the agreement explain the net settlement amount by indicating any reductions from the total settlement amount for attorney fees, child support, etc.?
- Are you prepared to present the agreement? (the agreement is completely filled out; all necessary language is included in the agreement; you have met with your client beforehand and familiarized him/her with the terms of the agreement; you have scheduled an interpreter, if needed; the agreement is properly witnessed or notarized as of October 1, 2021)
- Have you properly scheduled an interpreter? You may not use your own interpreter. Interpreters must be requested through the Dispute Summary Requests tab (interpreter request) on WCAIS at least 14 days prior to the hearing with no exceptions. If you have forgotten to request an interpreter, then you must make a continuance request through the Dispute Summary Requests tab (continuance request) on WCAIS.
- Are there child support or spousal support issues regarding your case, and do you have the appropriate documentation from the proper authorities?
- Are there Medicare issues regarding your case, and do you have the appropriate documentation from the proper authorities? The parties must seek approval from the Centers for Medicare and Medicaid Services in those cases where this approval is required.
- Does the Agreement specify whether the past medical expenses have been resolved, what past medical expenses will be paid, and adequately consider any pending Petitions for Utilization Review Determination?
- Do you have a Compromise and Release Agreement for each injury date being resolved? Have you filed a Petition to Seek Approval of a Compromise and Release Agreement for any injury dates/dispute numbers that are closed with no open petitions?
- Have you uploaded a redacted executed version of the C&R agreement through WCAIS into the exhibits tab at least 48 hours in advance of the hearing?

**STIPULATIONS RESOLVING DISPUTES**

**1. What are your usual procedures regarding the submission, review, and adoption of stipulations?**

All stipulations should comply with the Special Rules of Administrative Procedure before Workers' Compensation Judges. The stipulation will be rejected if it is not signed by the Claimant or unrepresented Employer, if it is not in compliance with the Special Rules, or if child support documentation is not provided when needed. A stipulation should be submitted through the Dispute Summary Requests tab (miscellaneous request) on WCAIS for judicial review. The stipulation should be uploaded with any attachments including the fee agreement and child support documentation, if needed. The stipulation and attachments should be uploaded as one document through the Dispute Summary Exhibits tab on WCAIS with the Exhibit name and description as follows: "Stipulation of Facts". All social security numbers and dates of birth should be redacted on the Exhibit upload.

**2. Should the fee agreement be part of the stipulation or separate exhibit?**

Part of stipulation.

**3. Should child support documents be uploaded as a separate exhibit?**

No.

**4. What other exhibits should be uploaded (i.e., medical bills, etc.)?**

All attachments referred to in the Stipulation should be made part of the Stipulation Exhibit.

**5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?**

Part of the stipulation.

**6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?**

The Stipulation with attached documentation should be redacted before it is uploaded through the Dispute Summary Exhibits tab on WCAIS.

**7. Describe any other procedures you have for stipulations:**

None.

**BRIEFS AND PROPOSED FINDINGS**

**1. Will you close a case via WCAIS submission or is a final hearing required?**

A Final hearing is required and will generally be held IN PERSON at the discretion of the Judge as most final hearings involve Claimant's testimony.

**2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?**

The briefing schedule will be set at the Final Hearing in consultation with the parties. If the parties require an extension of the briefing schedule, the parties must make a formal request through the Dispute Summary Briefs tab on WCAIS before the date the brief is due.

**3. Describe any preferences regarding the format and content of final submissions:**



Proposed Findings should contain a fairly neutral and nonargumentative summary of the evidence with citations to the record with a proposed resolution of the evidence and credibility determinations offering reasons for the party's proposed resolution of the evidence, citing to the evidence of record. Briefs should be submitted in accordance with 34 Pa. Code Section 131.101(h), which contains a section for "argument."

## **MANDATORY MEDIATIONS**

**1. List the offices where you conduct mandatory mediations:**

Philadelphia.

**2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**

All mandatory mediations will be scheduled virtually by default, unless the Judge and all parties agree upon an in-person mediation.

**3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**

All mandatory mediations will be scheduled virtually by default and not in person. If the Judge and all parties agree to an in-person mediation, this Workers' Compensation Judge will attend the mediation. The parties must use the Teams link to access the mediation. Notice of an inability of any party to participate in a video mediation should be sent by Miscellaneous Request on WCAIS at least 10 days in advance of any scheduled mandatory mediation with the reasons noted thereon. No attorney will be excused from participating by video.

**4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**

All Mediations are scheduled virtually by default. If all parties agree to an in-person mediation, all parties and individuals must attend. There will be no hybrid arrangements for counsel and the Claimant. An Employer/Insurer may attend by "teleconference . . . [and] shall have requisite authority to accept, modify or reject settlement proposals offered at a mediation . . ." Section 401 of the PA WC Act.

**5. Do you require a Mediation Statement? Yes. If yes:**

**a. What information do you require in that Statement?**

No specific format is required. However, the following information is helpful:

- Case caption and Dispute Number
- Date and time of Mediation
- Type of petitions pending
- Name of Assigned Judge
- Date of Injury -Claimant's age
- Claimant's educational level
- Last date of employment
- Allegations of pending petitions

- Average weekly wage and compensation rate
- Annual compensation rate for one through seven years
- Description of the accepted injury or alleged injury
- Names of medical experts
- Status of litigation
- Strengths and weaknesses of your case and your opponent's case
- Last demand and last offer
- Reasons for the current demand and offer

**b. What documents, if any, must accompany the Statement?**

No documents are required.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

At least 48 hours in advance of the mandatory mediation.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Mandatory mediations are not continued or postponed. If so, how long until it is rescheduled?** The parties may request a voluntary mediation when they are ready for mediation.

**7. Are you willing to conduct more than one mandatory mediation session per Dispute?**

Yes. Requests for second sessions are considered on a case-by-case basis. These sessions will be scheduled as a voluntary mediation.

**8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

The parties should contact the Mediating Judge as soon as possible before the Mediation date, but no later than two business days before the mediation. Requests for postponement of mandatory mediations will be denied, as the parties should seek a cancellation of a mandatory mediation and then seek a voluntary mediation at a time when both parties believe the mediation will not be futile. Request for cancellation due to futility must be sent to the Assigned Judge.

**9. What else should the parties know or do before the mediation?**

The parties should adequately prepare for the mediation by obtaining all required information, by obtaining authority from an adjuster/Employer, and in appropriate instances, by contacting the opposing party to initiate negotiations before the mediation.

## **VOLUNTARY MEDIATIONS**

**1. Do you conduct Voluntary Mediations?**

Yes.

**2. How should the parties request a Voluntary Mediation?**

Contact the Judge at tseelig@pa.gov.

**3. List the locations where you conduct in-person voluntary mediations:**

Philadelphia

**4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?**

Yes, in Philadelphia.

**5. Do you mediate Disputes assigned to you for hearing and decision?**

No.

**6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:**

No.

**7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**

All voluntary mediations will be conducted virtually by default. The Judge may consider an in-person mediation upon request. Factors to be considered include but are not limited to the following: any Covid recommendations/restrictions in place at the time of mediation, the substance of the request and noted reasons for the request, the timeliness of the request, objections to the request, and any potential impediments to a virtual mediation.

**8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?**

All voluntary mediations will be scheduled virtually by default. If the Judge and all parties agree to an in-person mediation, this Workers' Compensation Judge will attend. For virtual mediations, the parties must use the Teams link to access the mediation. Notice of an inability of any party to participate in a video mediation should be sent by Miscellaneous Request on WCAIS at least 10 days in advance of any scheduled voluntary mediation with the reasons noted thereon. Effective September 8, 2021, no attorney will be excused from participating by video.

**9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**

No. Mediations will be conducted with all parties appearing virtually. There will be no hybrid arrangements.

**10. Do you require a Mediation Statement? Yes. If yes:**

**a. What information do you require in that Statement?**

No specific format is required. However, the following information is helpful:

- Case caption and Dispute Number
- Date and time of Mediation
- Type of petitions pending
- Name of Assigned Judge
- Date of Injury
- Claimant's age
- Claimant's educational level
- Last date of employment
- Allegations of pending petitions
- Average weekly wage and compensation rate
- Annual compensation rate for one through seven years
- Description of the accepted injury or alleged injury
- Names of medical experts
- Status of litigation
- Strengths and weaknesses of your case and your opponent's case
- Last demand and last offer
- Reasons for the current demand and offer

**b. What documents, if any, must accompany the Statement?**

No documents are required.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

At least 48 hours in advance of the voluntary mediation.

**11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**

The parties are provided with the available dates and times at the time of the e-mail request.

**12. Are you willing to conduct more than one voluntary mediation session per Dispute?**

Yes. Requests for second sessions are considered on a case-by-case basis.

**13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?**

All Requests for cancellation/postponement of a voluntary mediation should be made to the Mediating Judge and not the Assigned Judge.

**14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

The parties should contact the Mediating Judge as soon as possible before the Mediation date. Requests for postponement will be considered on a case-by-case basis.

**15. What else should the parties know or do before the mediation?**

The parties should adequately prepare for the mediation by obtaining all required information, by obtaining authority from an adjuster/Employer, and in appropriate instances, by contacting the opposing party to initiate negotiations before the mediation.

**REQUESTS/MISCELLANEOUS**

**1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

All Requests should comply with the Special Rules of Administrative Procedure before Workers' Compensation Judges. Continuance Requests should be submitted through the Dispute Summary Requests tab on WCAIS as a continuance request. Other Requests that are not continuance requests should be submitted through the Dispute Summary Requests tab on WCAIS as a miscellaneous request unless the request fits within one of the pre-determined categories in the drop-down box on WCAIS.

**2. Under what circumstances do you conduct off the record conference calls?**

None. Requests for a conference call should be made in writing through the Dispute Summary Requests tab (conference call request) on WCAIS. If this Judge determines that a conference call is necessary, a call will take place on the first available hearing day to obtain an accurate record of the dispute.

**3. Under what conditions/circumstances do you accept e-mails from parties?**

All communications should be submitted in WCAIS with only minor exceptions. If you are requesting a response from the Judge to your communication, then please use the proper request in the dropdown menu through the Dispute Summary Requests tab. If your communication is merely providing a status on the case or submitting general information, such as a copy of a Notice of Deposition, then please submit a letter through the Dispute Summary Documents and Correspondence tab. An e-mail to the Judge should only be sent for the following reasons: a) you are responding to an e-mail sent to you directly by the Judge; b) you have an emergency on a hearing or mediation day that requires immediate notice to the Judge; or c) you are requesting a voluntary mediation date. All counsel should be sent a copy of any e-mails sent to the Judge.

**4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**

This Workers' Compensation Judge endeavors to stay within the allotted time scheduled for a hearing or mediation. The allotted time may be extended if there is sufficient time available to do so on the day of the hearing or mediation.

**5. What is the best way to contact you in an emergency situation?**

Make a request through the Dispute Summary Requests tab (continuance or miscellaneous request) on WCAIS. For an emergency on the day of the hearing/mediation, e-mail the Judge at [tseelig@pa.gov](mailto:tseelig@pa.gov) with a copy to all counsel.

**6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?**

There is no snow policy currently in effect as Judges are permitted to telework. All hearings and mediations will go forward virtually on those days, unless specifically cancelled by the Judge. If the matter is scheduled for an in-person hearing or mediation on an inclement weather day, the event may either be done virtually or re-scheduled at the discretion of the judge. Please consult the Alerts section on the WCAIS Dashboard for information about office closures or specific hearing cancellations.

**7. Use of the WCAIS system:**

This Workers' Compensation Judge prefers that the majority of communications regarding a Dispute be made through the WCAIS system with the exceptions noted above. All parties should follow the Special Rules of Administrative Practice and Procedure before Workers' Compensation Judges, all ethical guidelines, and this Judge's procedures when using the WCAIS system. Ensure that your staff understands these rules and procedures.

- All uploading of documentation and Requests must be done through the Dispute Summary and not the Claims summary.
- Double check all information that you enter on WCAIS, particularly the information you enter on your pleadings (proper spelling of names, correct addresses, correct injury dates, etc.).
- Please review your Attorney Profile and fill out all fields, whether they are required or not. Please make sure that your telephone number and e-mail address are in your profile, even if you have chosen to receive WCAIS communications through regular mail rather than e-mail. This is necessary for proper communication with all counsel.
- Please use the Requests tab and not the Documents and Correspondence tab of the Dispute Summary when you are requesting an action by this Workers' Compensation Judge such as an interpreter request, continuance request, motion to quash subpoena, objection, withdrawal of petition, request for withdrawal of counsel, etc.
- Please use the appropriate request type in the Dispute Summary Requests tab. If you use the incorrect request type, your request will be denied.
- The withdrawal petition request is used to withdraw a Petition NOT to withdraw your appearance. Requests for withdrawal of appearance should be made as a miscellaneous request from the Dispute Summary Requests tab.
- An external party may choose to send a miscellaneous request if a request does not fit into one of the pre-determined WCAIS categories shown in the Dispute Summary Requests tab dropdown (e.g., Requests for withdrawal or substitution of appearance, motions, Requests for approval of stipulation, etc.).
- When you make a request through the Dispute Summary Requests tab, you will have the option to enter details about the request in a details box, to upload any letters or documents relevant to the request, and to choose the parties' positions regarding the request. Provide as much detail about the request as possible.
- The Dispute Summary Documents and Correspondence tab should be used to upload Notices of Deposition and any correspondence not requiring Judge action. A Notice of Deposition should be uploaded as a Notice of Deposition and not as a Letter to the Judge.
- Please familiarize yourself with the Quick Links Widget on your Dashboard. A link to the "WCOA Dashboard" is located on the upper right-hand side of the Dashboard and contains grids for "Upcoming Briefs", "WCOA Petitions/Answers", "WCOA Requests", and "Judge Communication". Most communications from the Judge's office will appear in the WCOA Requests and Judge Communications table. You can see the Judge Communications in real time, even if you have elected to receive WCAIS communications by regular mail rather than e-mail.
- If you upload a document through the Dispute Summary Exhibits tab on WCAIS and can see the document through the view hyperlink, WCAIS will provide notice of the upload to the Judge's office. There is no need to send an additional copy by any other method, unless specifically requested by the Judge.
- If you upload a document through the Dispute Summary Documents and Correspondence tab on WCAIS and receive confirmation of the upload, WCAIS will provide notice of the upload to the Judge's office. There is no need to send an additional copy by any other method, unless specifically requested by the Judge.
- All exhibits should be uploaded through the Dispute Summary Exhibits tab. Do NOT upload exhibits through any other tab.

- If you feel it is necessary to communicate with the Judge's office outside of the WCAIS system, then choose one communication method. Do NOT send the same correspondence by e-mail, regular mail, fax, and hand delivery. There is no need to send multiple copies of correspondence, particularly if it has been uploaded on WCAIS.

**8. Questions about Teams:**

All questions regarding accessing Microsoft Teams should be addressed to the WCAIS Resource Center at 1-800-482-2383.

**9. Request for an Interpreter:**

All requests for an interpreter should be made through the Dispute Summary Requests tab (interpreter request) on WCAIS at least 14 days in advance of any scheduled hearing or mediation date.